

**BEFORE THE BOARD OF DENTAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF:)

DAVID A. HALL, D.D.S.)

1570 42nd Street NE)

Cedar Rapids, IA 52402)

NOTICE OF HEARING

License #6409)

Respondent)

You are hereby notified that on January 17, 2002, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2001), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

IT IS HEREBY ORDERED that a disciplinary contested case hearing be held upon the Statement of Charges on February 18, 2002, before the full Board or a panel of the Board. The hearing shall begin at 8:30 a.m. and shall be located in the Conference Room, Iowa Board of Dental Examiners at 400 SW 8th Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an

Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. See 650 Iowa Administrative Code 51.30(4).

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code 51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 17th day of January, 2002.

A handwritten signature in cursive script, appearing to read "Leroy I. Strohmman", is written over a horizontal line.

LEROY I. STROHMAN, D.D.S.

Chairperson

Iowa Board of Dental Examiners

400 SW 8th Street, Ste. D

Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319

**BEFORE THE BOARD OF DENTAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF:)

DAVID A. HALL, D.D.S.)
1570 42nd Street NE)
Cedar Rapids, IA 52402)

STATEMENT OF CHARGES

License #6409)

Respondent)

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
- 2) On May 8, 1979, David A. Hall, D.D.S., the Respondent, was issued license number 6409 by the Board to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
- 3) License number 6409 is current and on active status until June 30, 2002.

COUNT I

The Respondent is charged under Iowa Code section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by administering conscious sedation in a dental facility without a conscious sedation permit, in violation of 650 Iowa Administrative Code Sections 29.2(2) and 29.5 (1).

COUNT II

The Respondent is charged under Iowa Code section 153.34(4) (2001) with willfully or repeatedly violating a Board Rule by regularly administering conscious

sedation to patients in a dental facility that is not in compliance with the requirements of 650 Iowa Administrative Code 29.4(3).

COUNT III

The Respondent is charged under Iowa Code section 272C.10(3) (2001) and 650 Iowa Administrative Code 30.4 (39) with practice harmful or detrimental to the public by administering conscious sedation to patients without a conscious sedation permit, and for administering conscious sedation in a dental facility not properly equipped as required by 650 Iowa Administrative Code Section 29.4 (3).

COUNT IV

The Respondent is charged under Iowa Code section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by failing to maintain records of controlled substance prescriptions pursuant to 650 IAC 27.11(1)(d)(5), and 16.2(3).

COUNT V

The Respondent is charged under Iowa Code section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by failing to maintain controlled substance purchase records in violation of 650 IAC 16.3(1).

THE CIRCUMSTANCES

1. Respondent is a general dentist engaged in the practice of dentistry in Cedar Rapids, Iowa.
2. The Board received information that Respondent is regularly engaging in the conscious sedation of patients using oral medications.
3. Dentists licensed in Iowa cannot administer conscious sedation until they have obtained a conscious sedation permit from the Board. 650 IAC 29.2(2)

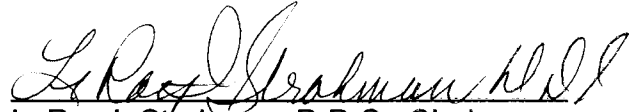
Numerous requirements must be met before a conscious sedation permit may be issued. 650 IAC 29.4

4. A dentist utilizing conscious sedation is required by Board rules to maintain a properly equipped facility to safeguard the public. The facility shall maintain and the dentist shall be trained on the following equipment: anesthesia or analgesia machine, EKG monitor, positive pressure oxygen, suction, laryngoscope and blades, endotracheal tubes, magill forceps, oral airways, stethoscope, blood pressure monitoring device, pulse oximeter, emergency drugs and defibrillator. 650 IAC 29.4(3)
5. Respondent made application to the Board for a permit to administer sedation to patients on December 30th, 1986.
6. The Board, after reviewing that application, determined that Respondent had not met the requirements for issuance of a permit and determined that the sedation techniques demonstrated by Respondent were not acceptable and that Respondent was unaware of the dangers inherent in his methodology.
7. Respondent was notified that his application was denied and that he was not allowed to continue utilizing sedation without obtaining a permit.
8. A dentist on each occasion when a medication is prescribed, administered, or dispensed to a patient must make an entry in that patient's dental record containing the following information: the name, quantity, and strength of the medication, the directions for use, the date of issuance, and the condition for which the medication was used. 650 IAC 16.2(3)

9. Dentists are required to maintain records showing the date of receipt, the name and address of supplier, and the name and quantity of all controlled substances purchased. 650 IAC 16.3(1)
10. The Board initiated an investigation into this matter and determined that Respondent has been repeatedly engaged in the conscious sedating of patients with oral medications since at least 1999.
11. Respondent does not have a permit to administer conscious sedation to patients.
12. Respondent's facility is not properly equipped with the required equipment to ensure that the health and safety of the public is protected.
13. Respondent fails to properly record when a medication is prescribed, administered, or dispensed to a patient.
14. Respondent is unable to account for all controlled substances purchased by his office.
15. A Board consultant reviewed multiple patient records from Respondent's office that were administered oral medications and determined that the combination of drugs that Respondent is using is well beyond anxiety control and constitutes conscious sedation.
16. Consultant stated that the combination of high dosage levels of the drugs, considering the breakdown products and their various potentials, could create a very dangerous situation for patients.
17. Consultant also stressed concern as to how Respondent would manage a crisis. If there was a crisis, Respondent would not know which drug was causing the crisis since three (3) drugs are administered. Further, the Consultant expressed

concern that Respondent has no crash cart, no defibrillator, and no means of airway control if respiratory depression became acute.

On this 17th day of January, 2002, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


LeRoy I. Strohman, D.D.S., Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319

BEFORE THE BOARD OF DENTAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DAVID A. HALL, D.D.S, RESPONDENT

FILE NO. 01-162

EMERGENCY ADJUDICATIVE ORDER

COMES NOW the Iowa Board of Dental Examiners, and finds that on January 17th, 2002, it was presented with evidence which establishes that Respondent's continued practice of sedation constitutes an immediate danger to the public health, safety, and welfare. The Board has conducted a full investigation of this matter. A summary of the evidence obtained in that investigation is as follows:

FINDINGS OF FACT

1. Respondent is a general dentist engaged in the practice of dentistry in Cedar Rapids, Iowa.
2. The Board received information that Respondent is regularly engaging in the conscious sedation of patients using oral medications.
3. Dentists licensed in Iowa cannot administer conscious sedation until they have obtained a conscious sedation permit from the Board. 650 IAC 29.2(2) Numerous requirements must be met before a conscious sedation permit may be issued. 650 IAC 29.4
4. A dentist utilizing conscious sedation is required by Board rules to maintain a properly equipped facility to safeguard the public. The facility shall maintain and the dentist shall be trained on the following equipment: anesthesia or analgesia machine, EKG monitor, positive pressure oxygen, suction, laryngoscope and blades, endotracheal tubes, magill forceps, oral airways, stethoscope, blood pressure

monitoring device, pulse oximeter, emergency drugs and defibrillator. 650 IAC 29.4(3)

5. Respondent made application to the Board for a permit to administer sedation to patients on December 30th, 1986.
6. The Board, after reviewing that application, determined that Respondent had not met the requirements for issuance of a permit and determined that the sedation techniques demonstrated by Respondent were not acceptable and that Respondent was unaware of the dangers inherent in his methodology.
7. Respondent was notified that his application was denied and that he was not allowed to continue utilizing sedation without obtaining a permit.
8. A dentist on each occasion when a medication is prescribed, administered, or dispensed to a patient must make an entry in that patient's dental record containing the following information: the name, quantity, and strength of the medication, the directions for use, the date of issuance, and the condition for which the medication was used. 650 IAC 16.2(3)
9. Dentists are required to maintain records showing the date of receipt, the name and address of supplier, and the name and quantity of all controlled substances purchased. 650 IAC 16.3(1)
10. The Board initiated an investigation into this matter and determined that Respondent has been repeatedly engaged in the conscious sedating of patients with oral medications since at least 1999.
11. Respondent does not have a permit to administer conscious sedation to patients.
12. Respondent's facility is not properly equipped with the required equipment to ensure that the health and safety of the public is protected.
13. Respondent fails to properly record when a medication is prescribed, administered, or dispensed to a patient.
14. Respondent is unable to account for all controlled substances purchased by his office.
15. A Board consultant reviewed multiple patient records from Respondent's office that were administered oral medications and determined that the combination of drugs

that Respondent is using is well beyond anxiety control and constitutes conscious sedation.

16. Consultant stated that the combination of high dosage levels of the drugs, considering the breakdown products and their various potentials, could create a very dangerous situation for patients.
17. Consultant also stressed concern as to how Respondent would manage a crisis. If there was a crisis, Respondent would not know which drug was causing the crisis since three (3) drugs are administered. Further, the Consultant expressed concern that Respondent has no crash cart, no defibrillator, and no means of air-way control if respiratory depression became acute.

CONCLUSIONS OF LAW

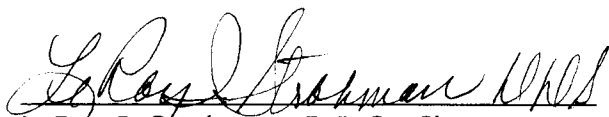
18. The facts set forth above establish that Respondent appears to have willfully and repeatedly violated a Board rule by administering conscious sedation without a conscious sedation permit, in violation of Iowa Code Section 153.34(4) (2001), and 650 Iowa Administrative Code Sections 29.2(2) and 29.5(1); has engaged in practice harmful or detrimental to the public by administering conscious sedation to patients without a permit, in violation of Iowa Code Section 153.34(4) and 650 Iowa Administrative Code Section 30.4(39); and for administering conscious sedation in a facility not properly equipped, in violation of section 153.34(4) and 650 Iowa Administrative Code Section 29.4(3).
19. The Board concludes on the basis of the facts set forth above that this investigation has been sufficient to ensure that the Board is proceeding on the basis of reliable information. Patient records for all patients that are the subject of the Statement of Charges and this Emergency Adjudicative Order have been reviewed by the entire Board as well as by a consultant with expertise in the area of conscious sedation. Respondent has been interviewed and allowed an opportunity to respond to the allegations against him.

20. The facts set forth establish that Respondent's continued practice of sedating patients would pose an immediate danger to the public health, safety, or welfare.
21. The immediate restriction of Respondent's ability to administer, prescribe, or dispense controlled medications to patients is necessary to avoid immediate danger to the public.
22. The imposition of monitoring requirements or other interim safeguards would not be sufficient to protect the public health, safety, or welfare because Respondent is not qualified to perform these sedation procedures.

ORDER

IT IS HEREBY ORDERED, in accordance with Iowa Code Section 17A.18A (2001) and 650 IAC 51.30, that Respondent, David A. Hall, D.D.S., shall immediately cease and desist from administering, prescribing, or dispensing all controlled substance medications and any other substance used for the purposes of anti-anxiety or sedation. Respondent may continue to practice all other aspects of the practice of dentistry. Respondent shall be notified immediately of this order pursuant to 650 IAC 51.30(3).

A hearing on this Emergency Adjudicative Order and the Statement of Charges, which have been filed concurrently with this Order, shall be held on February 18, 2002, at 8:30 a.m. The hearing will be held at the Board office, located at 400 S.W. 8th Street, Suite D, Des Moines, Iowa.

A handwritten signature in cursive script, appearing to read "LeRoy I. Strohman".

LeRoy I. Strohman, D.D.S., Chairperson
Iowa Board of Dental Examiners
400 S.W. 8th Street, Suite D
Des Moines, Iowa 50309-4687